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14 **UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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16 UNITED STATES OF AMERICA,

17 Plaintiff,

18 vs.

19 NU NU SWETZ,

20 Defendant.

21 Case No: 2:17-cr-00181-APG-CWH

22 **Stipulation to Continue
Deadline for Government's Response to
Defendant's Motion to Dismiss Indictment
Based Upon Case Law and Constitutional
Law**
(ECF 133)

23 (First Request)

24 IT IS HEREBY STIPULATED AND AGREED, by and between CHRISTOPHER CHIOU, Acting United States Attorney, and Kimberly M. Frayn, and Jim Fang, Assistant United States Attorneys, counsel for the United States of America, and Angela Dows, Esq., counsel for Defendant NU NU SWETZ, that the deadline for Government's Response to Defendant's Motion, currently set for Monday, August 2, 2021, be vacated and continued for a week, up to and including Monday, August 9, 2021.

25 This stipulation is entered into for the following reasons:

26 1. Government counsel needs a very brief amount of additional time, a week, up to

1 and including Monday, August 9, 2021, to complete its research, draft, and finalize an
2 appropriate response to Defendant's Motion (ECF 133). From before the time Swetz filed the
3 motion on or about July 18, 2021, until the afternoon of July 22, 2021, AUSA Frayn was out of
4 the district on a previously scheduled trip to remote areas of Utah where there was limited
5 access to cellular phone service or internet. Accordingly, the government lost the better part of
6 a week of the allotted time under the rules to research, draft and file an appropriate response.
7 Swetz's motion, if granted, would be dispositive of the matter and the government should be
8 allowed sufficient time to file an appropriate response.

9 2. Swetz is not in custody and does not object to the continuance.

10 3. Trial is set for September 13, 2021 and will not be negatively impacted by this
11 brief weeklong extension of time to file its response.

12 4. The parties agree to the extension of time for the government to file its response.

13 5. The requested short extension of time will not unduly prejudice the defendant
14 and is not sought for purposes of mere delay, but to provide the government the necessary time
15 to file an appropriate response. For the reasons stated above, the ends of justice would best be
16 served by a continuance of the deadline.

17 6. Additionally, denial of this request for continuance could result in a miscarriage of
18 justice.

19 7. This is the first request for a continuance of the deadline to file the response as set

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forth herein.

DATED this 29th day of July, 2021.

CHRISTOPHER CHIOU
Acting United States Attorney

/s/ Angela Dows, Esq.
Angela Dows, Esq.
Counsel for Defendant Nu Nu Swetz

/s/ Kimberly M. Frayn
KIMBERLY M. FRAYN
JIM FANG
Assistant United States Attorney

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

-oOo-

UNITED STATES OF AMERICA,

Plaintiff,

VS.

NU NU SWETZ.

Defendant.

Case No: 2:17-cr-00181-APG-CWH

Findings of Fact, Conclusions of Law, and Order

FINDINGS OF FACT

Based upon the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Government counsel needs a additional time, a week, up to and including Monday, August 9, 2021, to complete its research, draft, and finalize an appropriate response to Defendant's Motion (ECF 133). From before the time Swetz filed the motion on or about July 18, 2021, until the afternoon of July 22, 2021, AUSA Frayn was out of the district on a previously scheduled trip to remote areas of Utah where there was limited access to cellular phone service or internet. Accordingly, the government lost the better part of a week of the allotted time under the rules to research, draft and file an appropriate response. Swetz's motion, if granted, would be dispositive of the matter and the government should be allowed sufficient time to file an appropriate response.

2. Swetz is not in custody and does not object to the continuance.

3. Trial is set for September 13, 2021 and will not be negatively impacted by this brief weeklong extension of time to file its response.

4. The parties agree to the extension of time for the government to file its response.

5. The requested short extension of time will not unduly prejudice the defendant and is not sought for purposes of mere delay, but to provide the government the necessary time to file an appropriate response. For the reasons stated above, the ends of justice would best be served by a continuance of the deadline.

6. Additionally, denial of this request for continuance could result in a miscarriage of justice.

7. This is the first request for a continuance of the deadline to file the response as set forth herein.

CONCLUSIONS OF LAW

Based on the parties' stipulation and agreement to allow the government additional time to file its response and for good cause shown, the extension of time is granted.

ORDER

IT IS THEREFORE ORDERED that the deadline for Government's Response to Defendant's Motion, currently scheduled for August 2, 2021, be vacated and continued to August 9, 2021.

DATED this 29th day of July, 2021.


HONORABLE ANDREW P. GORDEN
UNITED STATES DISTRICT JUDGE